

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

NEVIN KERR WHETSTONE

PETITIONER

v.

No. 1:15CV139-SA-JMV

MDOC PAROLE BOARD, ET AL.

RESPONDENTS

FINAL JUDGMENT

In accordance with the memorandum opinion issued today in this cause, the State's motion to dismiss the instant petition for a writ of habeas corpus is **GRANTED**, and the petition is **DISMISSED** with prejudice and without evidentiary hearing as untimely filed under 28 U.S.C. § 2244(d). In addition, the petitioner's allegation regarding denial of adequate medical treatment is **DISMISSED** because it does not constitute a valid federal *habeas corpus* claim; however, the dismissal is without prejudice to the petitioner's ability to raise the allegation in a separate suit filed under 42 U.S.C. § 1983.

SO ORDERED, this, the 14th day of June, 2016.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE